

Dear Cascade County Health Board,

In 2005, the Montana Legislature passed the Montana Clean Indoor Air Act (MCIAA) affording Montanans some of the nation's strongest clean air protections. Per Montana Code Annotated §50-40-108 enforcement of the MCIAA falls to the Montana Department of Health and Human Services (DPHHS) and local boards of health. Accordingly, the undersigned health organizations are deeply concerned about the recently opened Omerta Cigar Lounge in Great Falls and want to bring its operations to the attention of the Cascade County Board of Health, which has a statutory duty to enforce the MCIAA.

The MCIAA provides for the following:

"The legislature finds and declares that the purposes of this part are as follows: (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; (2) to recognize the right of nonsmokers to breathe smoke-free air; and (3) to recognize that the need to breathe smoke-free air has priority over the desire to smoke." M.C.A. 50-40-102.

As you know, the MCIAA prohibits smoking in "public places" and "places of employment." What draws our attention to these specific sections of the MCIAA is the following event recently advertised by Pizazz of Great Falls:

New Class For May
Cook the Book Series: A Taste of Old Cuba



Welcome to Old Cuba through food. The night begins at the Omerta Cigar Lounge at 5:00 pm for a cocktail (included), you can purchase a cigar if you like. Come to Pizazz first to get your cocktail then we'll head up to the lounge. For our dinner, we'll start with La Sopa de Ajos Aunthénica (Authentic Garlic Soup), followed by Pierna de Puerco Rellena (stuffed rolled pork) with Moros y Cristianos (black beans and rice) and for dessert Flan de Chocolate.

Wednesday May 11, 5:00 pm - \$100 per person
[Sign Up Here \(us-east-2-protection.sophos.com\)](http://us-east-2-protection.sophos.com)

Such an event is a clear violation of the MCIAA. The Omerta is billed as so-called "private" club. However, the ad publicizes an event that is open to paying members of the public and invites participants to access Omerta. The advertisement positions both Pizazz and Omerta Cigar Bar as places of business open to the public.

So-called cigar bars have claimed they don't fall under the MCIAA by because they allegedly have no employees. While Omerta Cigar Bar may claim it does not have any employees, we feel safe in assuming Pizazz does. By being used in conjunction via this event, Pizazz and Omerta are exposing employees and paying members of the public to cigar smoke. It also should be noted that Omerta and Pizazz are adjoining facilities and there is no way to prevent tobacco smoke from Omerta entering into Pizazz, no matter what sort of ventilation is used. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the national standard-setting body for indoor air quality, including ventilation issues states: "At present, the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity. No other engineering approaches, including current and advanced dilution ventilation or air cleaning technologies, have been demonstrated or should be relied upon to control health risks from environmental tobacco smoke exposure in

spaces where smoking occurs. Because of ASHRAE's mission to act for the benefit of the public, it encourages elimination of smoking in the indoor environment as the optimal way to minimize environmental tobacco smoke exposure."

Because there is no way to prevent health risks from secondhand tobacco smoke in a building other than prohibiting smoking entirely, employees of and visitors to Pizazz are at risk for exposure in violation of the MCIAA.

This publicly advertised, for-profit event is a perfect example of why allowing so-called "private" cigar bars to operate despite the MCIAA and its intended protections is incredibly problematic. As evidenced by the facts above, Omerta Cigar Lounge is clearly not a private club without employees. Cigars do not sell themselves and like any business, Omerta has employees who work the private (and in this case, public) events the lounge hosts. Omerta Cigar Bar (and all cigar bars) are therefore places of work open to the public where smoking must be prohibited.

We urge the Cascade County Health Board to address these concerns and work to enforce the MCIAA in order to protect public health. On the Cascade County Health Board's website, you note that nine in ten Montanans support the MCIAA and its protections, and the Board has worked hard to uphold these protections in the past. We urge you to stand up for the MCIAA once again and stand ready to lend you our support in this effort.

Sincerely,

Liz Albers, Montana Government Relations Manager, American Heart Association

Kristin Page-Nei, Montana Government Relations Director, American Cancer Society Cancer Action Network (ACS CAN)

Carrie Nyssen, Senior Director of Advocacy, American Lung Association

Jane Weber, former Cascade County commissioner, former member Cascade County Board of Health

Beth Price Morrison, Substance Abuse Prevention Program Manager, Alliance for Youth

Cascade County Substance Abuse Prevention Alliance